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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,012	12/04/2001	Makoto Kitamura	018976-206	7969

7590 10/28/2005

Platon N. Mandros
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

EXAMINER

NGUYEN, THUKHANH T

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 10/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/000,012

Applicant(s)

KITAMURA ET AL.

Examiner

Thu Khanh T. Nguyen

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: 5, 7, 20 and 21.
Claim(s) rejected: 1-4, 6, 8-16 and 22.
Claim(s) withdrawn from consideration: 17-19.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). filed 09/23-05
13. ☐ Other: _____.

ADVISORY ACTION

1. Applicant's arguments filed October 11, 2005 have been fully considered but they are not persuasive. The Applicants argued that Tokita (6,881,048) fails to disclose a press driving mechanism for driving both the upper punch and lower punch units for pressing in the pressing stage. The examiner respectfully disagrees.
2. Although Tokita fails to disclose that both punch units are moved toward each other at the same time during the pressing process, this does not mean that Tokita fails to disclose the pressing driving mechanism as claimed by the Applicants. Tokita discloses a push up member (234), which is corresponding with the lower punch unit in the current application, for supporting the mold core and is sized to fit tight into the mold to seal the bottom of the mold during the molding process. The mold is transferred to the press unit (18), engaged with a supporting pedestal (183), and is aligned with the upper punch (186) before the upper punch is lowered by a hydraulic cylinder. The push up member, or lower punch, is independently movable by a drive motor (235) or a hydraulic cylinder that is "capable of defining the upper limit position of the lower press core with precision." See column 11, lines 5-19.
3. Since Tokita discloses the motor and the cylinders that connect to and control the movement of the upper punch and lower punch at the press unit, the pressing driving mechanism could be read broadly to include these upper cylinder, the lower motor and other driving means such as the rails on the base plate or wheels that move the mold unit into and out of the pressing unit. Therefore, Tokita does disclose a press driving mechanism for driving the upper and lower punches for pressing in the press unit.

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4. The Applicants also argued that Tokita fails to disclose a connecting mechanism for connecting lower punch units to the pressing driving mechanism and for releasing the connection of the lower punch units. Because the press driving mechanism in Tokita includes both the upper hydraulic cylinder and the motor, during the pressing stage, the whole system of cylinders, motor, upper punch, lower punch are connected as one unit. Thus, the pedestal and the connecting frames are part of the connecting mechanism.

5. The Applicant further argued that Tokita fails to disclose a unit holding mechanism for transferring the lower punch units while the lower punch units are transferred to the next stage. Tokita discloses that the mold and the push up member are supported, held by a carrier frame that supports and transfers the mold unit to different stages. Here the carrier is corresponding to the unit holding mechanism of the current application.

6. Because Tokita discloses each and every limitations of the claim as described above, claim 1 is still anticipated by Tokita.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 571-272-1136. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TN

DUANE SMITH
PRIMARY EXAMINER

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10-26-05